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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,587	03/11/2004	Yury Zelechonok	CFL 27613	5298

7590

11/14/2005

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EXAMINER

THERKORN, ERNEST G

ART UNIT

PAPER NUMBER

1723

DATE MAILED: 11/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/797,587

Applicant(s)

ZELECHONOK ET AL.

Examiner

Ernest G. Therkorn

Art Unit

1723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) 10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-9, drawn to an HPLC column, classified in class 210, subclass 198.2.
- II. Claim 10, drawn to a method of making a column, classified in class 210, subclass 656.

The inventions are distinct, each from the other because:

Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case, the product as claimed could be made by another and materially different process. For example, the product could be made by side filling absorbent through a port going through the inner and outer tubes in an already formed column.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

During a telephone conversation with Charles F. Lind on November 3, 2005, an election was made to prosecute the invention of Group I, claims 1-9. Claim 10 is withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2 and 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schick (U.S. Patent No. 5,651,885) in view of Higgins (U.S. Patent No. 4,451,364). At best, the claims differ from Schick (U.S. Patent No. 5,651,885) in reciting use of sealing members. Higgins (U.S. Patent No. 4,451,364) (column 4, lines 33-44) discloses that a plug with sealing surfaces is operative to provide primary sealing surfaces. It would have been obvious to use a sealing plug in Schick (U.S. Patent No. 5,651,885) because Higgins (U.S. Patent No. 4,451,364) (column 4, lines 33-44) discloses that a plug with sealing surfaces is operative to provide primary sealing surfaces.

Claims 3-5 and 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schick (U.S. Patent No. 5,651,885) in view of Higgins (U.S. Patent No. 4,451,364) as applied to claims 1 and 2 above, and further in view of either Brown (U.S. Patent No. 6,615,989) or Firth (U.S. Patent No. 4,855,047). At best, the claims differ from Schick (U.S. Patent No. 5,651,885) in view of Higgins (U.S. Patent No. 4,451,364) in reciting use of a groove. Brown (U.S. Patent No. 6,615,989) (column 6, line 63-column 7, line 14 and column 7, lines 28-31) discloses that use of a groove shaped deformation provides an interference fit capable of withstanding high pressures without failure occurring between the filter housing and cover assembly. Firth (U.S. Patent No.

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4,855,047) (column 4, lines 32-40) discloses use of a groove shaped deformation provides "additional strength to the structure, allowing it to better withstand the high pressures for which" it "was designed." It would have been obvious to use a groove in Schick (U.S. Patent No. 5,651,885) in view of Higgins (U.S. Patent No. 4,451,364) either because Brown (U.S. Patent No. 6,615,989) (column 6, line 63-column 7, line 14 and column 7, lines 28-31) discloses that use of a groove shaped deformation provides an interference fit capable of withstanding high pressures without failure occurring between the filter housing and cover assembly or because Firth (U.S. Patent No. 4,855,047) (column 4, lines 32-40) discloses use of a groove shaped deformation provides "additional strength to the structure, allowing it to better withstand the high pressures for which" it "was designed."

Any inquiry concerning this communication should be directed to E. Therkorn at telephone number (571) 272-1149. The official fax number is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ernest G. Therkorn
Primary Examiner
Art Unit 1723

EGT November 4, 2005